

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JOEL F. HOLUBAR  
and  
MARIANA H. HOLUBAR,

Plaintiffs

v.

KENT KHOLBERGER,  
CHASE-FREEDMAN FAMILY TRUST  
and  
M/Y CHEROSA, *in rem*,

Defendants  
\_\_\_\_\_

Civil Action No. 03-CV-12404-NG

BRIEF JOINT STATEMENT PURSUANT TO FEBRUARY 4, 2005 ORDER

This Brief Joint Statement is submitted pursuant to the Court's Order dated February 4, 2005, in connection with a telephone status conference scheduled for April 4, 2005 at 10:00 a.m. Counsel for Plaintiff and Defendants have conferred and address the following points.

a. Case Status

Fact discovery is not yet complete. Some documents are still due and depositions of Joel F. Holubar and David Chase are outstanding.

b. Scheduling for the Remainder of the Case Through Trial

The parties respectfully request that the Court extend the March 31, 2005 fact discovery deadline, and correspondingly extend each of the other scheduling

deadlines previously set forth in paragraph one (1) of the February 4, 2005 scheduling order, to dates to be discussed during the April 4, 2005 telephone status conference.

c. Use of Alternative Dispute Resolution Programs

No agreement exists at this time for consent to alternate dispute resolution, but the parties do not preclude the possibility.

d. Consent to Trial Before the Magistrate Judge

The parties do not consent at this time to a trial by a Magistrate Judge, but the possibility is not precluded.

Dated: March 29, 2005

Respectfully submitted,

/s/ Curtis C. Pfunder

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